



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,451	06/25/2003	Chang Heui Hong	2060-3-51	4369
35884 7590 01/08/2008 LEE, HONG, DEGERMAN, KANG & SCHMADEKA 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017			EXAMINER WANG, JIN CHENG	
			ART UNIT 2628	PAPER NUMBER
			MAIL DATE 01/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/603,451

Applicant(s)

HONG, CHANG HEUI

Examiner

Jin-Cheng Wang

Art Unit

2628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 December 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See below. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 51-70.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See below.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

Continuation of Item 3: The amendment after final raises new issues that would require further consideration and/or search because at least the claim 51 recites the new claim limitation of "a width or a height of the second image are adjusted in size".

Continuation of Item 11:

1) Applicant argues in essence with respect to the 112 rejection of the claim 51 with respect to the claim limitation of "the first and second display areas are non-overlapping". The examiner respectfully disagrees with this argument.

Applicant argues that somehow an empty space MAY be rendered on the lower end of the image is exclusive of the image and CAN be construed as a second display rendered as the lower end of the image on the display unit 103. This argument is not found in applicant's specification for the following reasons. By arguing that the lower end of the image can be possibly construed as a second display area, it is possible that the lower end of the image can be generated on the display unit, applicant thus speculated that there might be an empty space generated on the lower end of the image on the display unit. However, this argument is not found in applicant's specification. Nowhere in the specification indicated there may be an empty space at the lower end of the image or an empty space at the lower end of the display.

For argument sake, even if applicant had the support for providing the second image of a size C*D and even if the size C*D would be different from A*B, applicant however, failed to disclose there is an empty space at the lower end of the display unit. For example, in Fig 3B of the applicant's specification, the icon E clearly OVERLAPS with the displayed image of the size C*D. It is very clear that the second display area for the icon E overlaps with the first display area for displaying the second image of the size C*D. Applicant clearly speculated that there is an empty space at the lower end of the display unit. Applicant filed an Affidavit on July 11, 2007 in an effort to remedy the deficiency, applicant submitted a different sized second image (although the same notation C*D for the second image has been employed) occupying the lower end of the display unit. Even from this affidavit, there is no empty space in the lower end of the display unit. Applicant argued that icon E and the displayed second image in Fig. 3B somehow can be arranged to be non-overlapping, however, applicant's specification lacks any disclosure relating to an empty space at the lower end of the display unit so that the icons can be arranged at the lower end of the display unit. Applicant failed to disclose that he icons are further arranged to be not overlapping with the second image of the size C*D. It is not inherent from applicant's specification at Fig. 3B or applicant's Detailed Description related to Fig. 3B or applicant's affidavit that the icon can be arranged in an empty space at the lower end of the display unit. There is no disclosure whatsoever that there is an empty space at the lower end of the display unit in Fig. 3B. The icon E is clearly overlapped with the second image of the size C*D.

Even from the Affidavit filed 7/11/2007, the second image was drawn at the lower end of the display unit. There is no disclosure whatsoever that there is an empty space at the lower end of the display unit in the second image set forth in the Affidavit. See also Fig. 3B of applicant's specification.

2) The claim 51 recites "the second image comprises a rotated version of the first image relative to the display screen...at least one of a first length and a second length of the second image is adjusted in size so that the second image is displayed in entirety in the first display area of the display screen". Applicant's claim recitation is flawed for the following reasons. If the second image comprises a rotated version of the first image relative to the display screen, the size of the second image is still A*B, although the width and height may be interchanged by rotation. However, applicant further recites the very same second image is adjusted in size so that the very same second image is displayed in entirety in the first display area of the display screen. At the outset, the rotated version of the first image is claimed as the second image and then the second image is adjusted in size so that a third image has been produced. However, applicant still recited the same second image be adjusted and displayed. It may be true that the scaled version of the first image, as opposed to the rotated version of the first image, is displayed on the first display area. Applicant therefore failed to define the scope of invention that applicant regards as invention.

3) Applicant argues with respect to the 103 rejection that the text displayed on Figs. 17-18 of Uyehara are not exactly the same. Applicant's argument is irrelevant in light of the following reasons. It should be noted the images or portions of the images are displayed on the image regions of the Figs. 17-18. For example, the first image for the text "efficiently share their ideas" in Fig. 17 has been rotated to provide the rotated and/or scaled version of the first image to produce the second image in Fig. 18 to read "efficiently share their ideas". The text "efficiently share their ideas" in Fig. 18 is clearly adjusted in size from the first image for the text "efficiently share their ideas" in Fig. 17. Numerous other examples can be drawn similarly. Clearly, the second image of Uyehara meets the claim limitation of "the second image comprises a rotated version of the first image relative to the display screen, wherein a width or a height of the second image is adjusted in size so that the second image is displayed in entirety in the first display area of the display screen." Based on the above, it is also clear that the first image has approximately same aspect ratio as the second image."

4) Applicant argues Register does not teach the claim limitations set forth in the claim 51. Register teaches in Figs. 4-5 that the first image of Fig. 4 has been rotated to provide a second image in Fig. 5 on a handheld device. Since the width and height of the handheld device is different, by teaching a rotated version of the first image in Fig. 4, it is clear from Register that the first image in Fig. 4 is adjusted in size to become the second image in Fig. 5. Therefore, Register teaches or suggests the claim limitations set forth in the claim 51.

Jinsheng Wang, P. 8.